IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

FAO.No. 247 of 2007()

I.A.1145/2007 IN CMA.47/2002 of ADDL. DISTRICT COURT, THALASSERY
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APPELLANTS/DEFENDANTS:
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1. P.K.RADHA, W/O.A.GOPALAN, KURUMATHOOR AMSOM, PANAKAD DESOM, TALIPARAMBA TALUK, RESIDING AT ANAPPALI HOUSE, KAIMBAM.

2. A.GOPALAN, S/O.KELAPPAN NAMBIAR, KURUMATHOOR AMSOM, PANAKAD DESOM, TALIPARAMBA TALUK, RESIDING AT ANAPPALI HOUSE, KARIMBAM.

BY ADV. SRI.H.BADARUDDIN
SRI.C.A.JOSEPH

RESPONDENT: PLAINTIFF:

VALLIYOTT GOVINDAN, S/O.KUNHAMBU, KUNHIMANGALAM AMSOM DESOM, KANNUR DISTRICT, RESIDING AT KUNHIMANGALAM.

BY

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

F.A.O.NO.247 OF 2007 ()

Dated this the 21st day of August, 2007

J U D G M E N T

KOSHY,J.

This appeal is filed against the order passed in I.A.No.1145/2007. I.A.No.1370/2001 was filed before the Sub Court, Payyannur, to set aside the ex parte order passed. That was dismissed and against that order, C.M.A.No.471/2002 was filed before the District Court, Thalasseri. That was allowed, on deposit of Rs.6,000/-. But the amount was not paid in time. The first appeal will not lie against the order as it is not an original order. Accordingly this appeal is dismissed without prejudice to any other remedies available to the petitioner.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

21st August, 2007